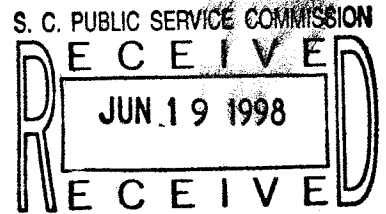


BEFORE

THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 98-059-T - ORDER NO. 98-454

JUNE 18, 1998



IN RE: Application of Russell Moving & Storage,) ORDER
Inc., 411 Berkeley Drive, Moncks Corner, SC) DISMISSING
29461, for a Class E Certificate of Public) OBJECTION
Convenience and Necessity.)

This matter comes before the Public Service Commission of South Carolina for consideration of the Objection filed by the Intervenor Dale J. Cook Moving & Storage, Inc. (Cook) and Azalea Moving & Storage, Inc. (Azalea) (together, the Intervenor) to the Motion of the Applicant Russell Moving and Storage, Inc. (Russell) for an extension of time in which to comply with the Commission's Order No. 98-355, and for an interim Class E Certificate. Russell filed a Reply to this Objection.

A short history of this matter is in order. In Order No. 98-355, we granted Russell a Class E Certificate of Public Convenience and Necessity of a particular scope, but we made issuance of the Certificate conditional on, among other things, obtaining a safety rating. Russell subsequently attempted to obtain the safety rating required, but was told that there would be a considerable delay in doing so, due to a backlog at the Department of Public Safety. Russell then moved for an Extension to Complete Safety Rating Requirement and for the issuance of a conditional interim Class E Certificate. At our meeting on June 9, 1998, we granted Russell's Motion, and the written Order No. 98-441

was issued on or about June 11, 1998. Also on June 11, 1998, we also received Cook and Azalea's "Objection," which was after the Commission vote.

Basically, the objection was filed at a time subsequent to the Commission vote, so it must be overruled and denied as untimely. However, even if the Objection had been filed in a timely manner, or was filed as a Petition for Reconsideration and/or Rehearing, we would have overruled and denied it.

First, the Intervenor's objected to Russell's Motion by stating that Russell had not met the "fitness" test. However, Order No. 98-355 clearly found Russell "fit, willing, and able." Second, Cook and Azalea allege that Russell has no familiarity with the safety statutes and regulations. Russell testified at the hearing on April 30, 1998 that he intended to hire an operations manager and that had retained the services of a Motor Carrier Safety Consultant to assist him in ensuring compliance with all federal and state motor carrier safety requirements. Third, the Intervenor's objected to the Russell Motion on the ground that the company has not received a satisfactory safety rating, and purchased a vehicle at his own peril, prior to the issuance of a certificate. This is unavailing, since, in order to obtain a safety rating, one must mark a vehicle, establish vehicle maintenance records, vehicle inspection reports, and have an actual vehicle to inspect.

Next, the Intervenor's state that Russell's operation of the vehicle in question would endanger the public. This does not appear to be the case, in view of the fact that Russell has submitted photographs of the vehicle, and the vehicle in question has passed an Annual Vehicle Inspection, as per a report furnished to the Commission. This vehicle

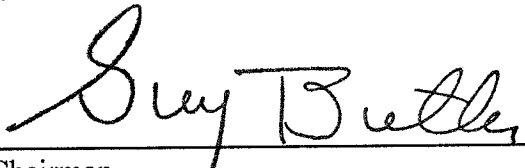
met the federal inspection requirements on May 26, 1998. None of the Intervenor's allegations are meritorious.

As Russell stated, the lack of a safety inspection was caused by a backlog at the Department of Public Safety, and not by any inaction by Russell. We felt that strict compliance with the Regulation in this situation would be unjust and create a hardship for Russell, which is why we granted Russell's Motion.


Even if the "Objection" of the Intervenor's was timely, which it was not, its allegations do not change our opinion, as shown by our reasoning as stated above. The objection is overruled, denied, and dismissed. This also constitutes our opinion if the objection was meant to be considered as a Petition for Reconsideration and/or Rehearing of Order No. 98-441.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)